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ABSTRACT

This policy memorandum provides guidance to assist educators, parents, and state and local education agencies in implementing the requirements of Part B of the Individuals with Disabilities Education Act (IDEA) regarding Individualized Education Programs (IEPs) for children with disabilities. The document stresses the requirements of the IEP to involve each child with a disability in the general curriculum, to involve parents and students, together with regular and special education personnel, in making individual decisions to support each child's educational success, and to prepare students with disabilities for employment and other post-school activities. It stresses that the IDEA affords states and local educational agencies significant flexibility to choose to establish IEP format requirements and to establish requirements for developing IEPs that include specific provisions that are not expressly required by IDEA. It also emphasizes that, in considering any changes to its IEP-related requirements, a state or local education agency carefully consider the impact of such changes on both compliance with other IDEA requirements and on ensuring that children with disabilities receive the services they need in order to be involved and progress in the general curriculum, to prepare for employment and post-school independence, and otherwise to achieve to high standards. (CR)

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To: All Interested Parties

From: Judith E. Heumann, Assistant Secretary
Office of Special Education and Rehabilitative Services

Kenneth R. Warlick, Director
Office of Special Education Programs

Subject: Guidance Regarding the Requirements of the Individuals with Disabilities Education Act (IDEA) on Individualized Education Programs

The purpose of this guidance is to assist educators, parents, and State and local educational agencies in implementing the requirements of Part B of the Individuals with Disabilities Education Act (IDEA) regarding Individualized Education Programs (IEPs) for children with disabilities, including preschool-aged children. (This guide does not address the development of Individualized Family Service Plans (IFSP) for infants and toddlers.)

The Congress intended for the IEP to be both a process and a document through which each eligible child with a disability would receive a free appropriate public education, based on his or her individual needs. The IEP has the capacity, not only to focus and guide the educational program for each child with a disability, but also to provide evidence of compliance and to help ensure that parents are equal partners in their child's education.

The development and implementation of an IEP that addresses the unique needs of each child with a disability and that assists schools and parents in focusing instruction are at the very core of the IDEA. Part B's IEP requirements emphasize the importance of core concepts, including (1) the involvement and progress of each child with a disability in the general curriculum including addressing the unique needs that arise out of the child's disability; (2) the involvement

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of parents and students, together with regular and special education personnel, in making individual decisions to support each child's educational success, and (3) the preparation of students with disabilities for employment and other post-school activities.

While this guidance focuses on the content of IEPs, it is very important to emphasize that compliance with these provisions requires more than the filling out of the form. The IDEA regulations focus not only on the content of IEPs, but also on the team process that parents and school personnel use to make the data-based, individualized decisions regarding the unique needs of each child with a disability that are documented in the IEP.

IDEA sets forth specific requirements that each State and local educational agency must meet in developing, reviewing, and--if appropriate--revising the IEP for each child with a disability and requires State and local educational agencies to develop and implement policies and procedures to ensure that an IEP that meets the requirements of IDEA is in effect for each eligible child with a disability. IDEA does not specify the format that each public agency will use for IEPs. The format and specific language used in developing IEPs are matters left to the discretion of individual States, and, to the extent consistent with State requirements, individual public agencies within the States. In providing such discretion, the assumption is that each State and local educational agency would attempt to make the format and language of the IEP as understandable and meaningful as possible for parents and other individuals who help to develop and implement the IEP. Within this general framework of State and local procedures and suggested or required format, IEP teams develop the specific detail that is necessary to address each child's individual needs.

Indeed, IDEA affords State and local educational agencies significant flexibility to choose to establish format requirements and to establish requirements for developing IEPs that include specific provisions that are not expressly required by IDEA. A State or local educational agency may determine, for example, that additional content is necessary to address compliance concerns specific to the State or local educational agency, or to document compliance with federal requirements. (Federal law requires that public agencies maintain documentation to demonstrate compliance with program requirements.) Taking the steps necessary to ensure compliance with IDEA is a required part of the State's exercise of its general supervisory responsibility.

One purpose of this guidance is to assist State and local educational agencies, teachers, and parents in distinguishing between IEP requirements established under IDEA, and additional requirements established under State law or local policies and procedures. It is important that, in considering any changes to its IEP-related requirements, a State or local educational agency carefully consider the impact of such changes on both compliance with other IDEA requirements and ensuring that children with disabilities receive the services they need in order to be involved and progress in the general curriculum, to prepare for employment and post-school independence, and otherwise to achieve to high standards.

OSERS views this guidance as just one component of a three-part strategy to assist State and local education agencies in ensuring that the procedures and documents that schools and parents use to plan and implement educational programs for children with disabilities are both efficient and effective in ensuring compliance and improving teaching, learning and educational results. The three components of the strategy will be to: (1) disseminate the guidance contained in this memorandum and its attachments regarding the legal requirements of IDEA relating to IEPs; (2) identify models for involving stakeholders that States and communities may wish to use to review their policies and procedures regarding IEPs to ensure that they are effective and efficient; and (3) identify research-based and promising practices that will help guide the discussion on streamlining procedures and paperwork to ensure effective teaching and learning, compliance, and improved results for children with disabilities. OSERS is currently working with the IDEA partnership projects to implement this three-part strategy.

We hope that this guidance will assist you in providing guidance and training, and in ensuring that State and local policies and practices assist IEP teams in the efficient and effective development of IEPs that are consistent with the requirements of IDEA and that result in improved teaching, learning and educational results for children with disabilities.